

Entered - 10/17/00 - sb
CL00L0622 - DIANNE C. MITCHELL

01-*R*-0171

CLAIM OF: CHASTAIN PARK CIVIC ASSOCIATION, INC.,
through its attorney,
Richard N. Hubert
191 Peachtree Street
Atlanta, Georgia 30303-1747

For damages alleged to have been sustained as a result of property
rights violations at Chastain Park Amphitheater.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & MARTIN

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

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October 4, 2000

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RICHARD N. HUBERT
SHAREHOLDER

HOUSTON
ATLANTA
SAVANNAH

Via United States Mail and Facsimile (404-658-6454)

Mayor Bill Campbell and
The Members of the Atlanta City Council
55 Trinity Avenue, S.W.
Second Floor, East
Atlanta, Georgia 30335

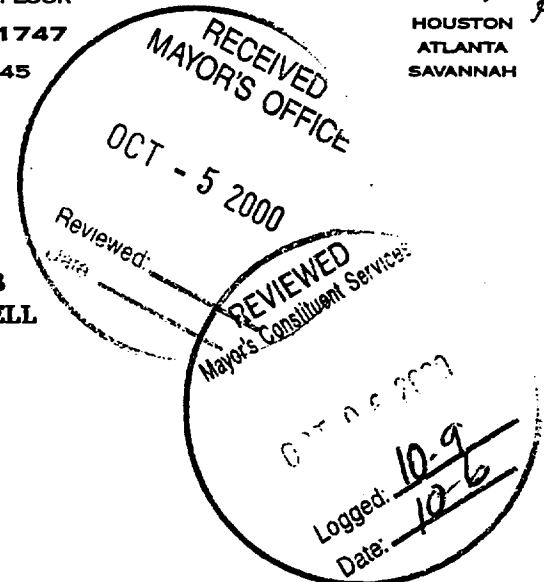
ENTERED - 10-17-00 - SB
00L0622 - DIANNE MITCHELL

Dear Mayor Campbell and Members of Council:

This firm has been retained by the Chastain Park Civic Association, Inc. (the "Association") with regard to the City of Atlanta's contract with Chastain Ventures, a Georgia joint venture composed of the Robert W. Woodruff Arts Center, Inc., on behalf of the Atlanta Symphony Orchestra, and Atlanta Concerts, Inc., a Delaware Corporation ("Chastain Ventures"), and nuisances created by the concerts which are produced and performed in Chastain Park.

This claim results from the City's failure to enact and strictly enforce measures which are in place to control the noise level in the community and the traffic problems attendant to the increase and frequent use of the amphitheater. The noise level and the disturbance to the quiet and peaceful enjoyment of residents in the immediate vicinity of Chastain Park is based on a failure to insist on compliance with either the restrictions placed on the performing organizations in Chastain Park as relates to the decibel and Leq, nor the enforcement of parking restrictions and intrusions into neighborhood by concert attendees who spill-out of the concert into the neighborhood in the late evening hours. The Association asserts that concerts producing any decibel level in the high 80's or 90's dBA Leq (measured over an 8-minute period) range would be entirely unsatisfactory.

This notice is written for the purpose of affording the City the opportunity to investigate this complaint and take steps to abate this continuing nuisance before the effects become far-reaching and so great as to affect the property values in the Chastain Park neighborhood. Abiding the enactment of measures to abate the continuing nuisances adversely affecting the quiet and peaceful enjoyment of their property and the insistence that the promoters and performers adhere to an enforceable and livable decibel and Leq levels, the Association will be required to seek legal remedies against the City for a failure to enforce its noise ordinances and for remedies to abate what has become a continuing, permanent nuisance. Further, the Association would seek the enforcement by the City of its parking and traffic laws in relation to the concert attendees as well as the ordinances of the City related to public disturbances.

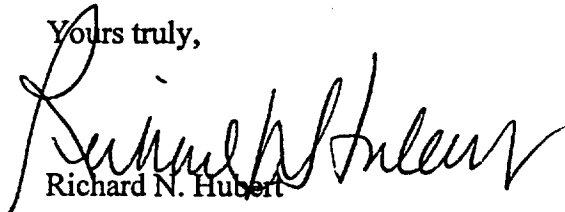


Mayor Bill Campbell and
The Members of the Atlanta City Council
September 21, 2000
Page 2

This letter shall serve as our request on behalf of the Association that the City enforce its existing ordinances related to traffic, parking, public disturbances and noise ordinance, and that the contract with Concert Ventures be amended to include appropriate restrictions related to noise levels and that those restrictions be strictly enforced.

This notice is given, pursuant to O.C.G.A. § 36-33-5, to inform the City of the Association's intention to pursue legal remedies for the enforcement of the City's ordinances and a denial of property rights under 42 U.S.C. § 1983, absent an agreeable resolution of this claim.

Yours truly,



Richard N. Hubert

RHN:pp

cc: Chastain Park Civic Association

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